

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BLACKWATER DRAW DAIRY, LLC,
A New Mexico Limited Liability Company,**

Plaintiff,

vs.

No. 2:11-cv-00846-RB-WDS

**KEITH LAMBRIGHT and
SHIPSHEWANA AUCTION, INC.,
An Indiana Corporation,**

Defendant(s).

**ORDER GRANTING DEFENDANT'S MOTION
TO COMPEL DISCOVERY**

THIS MATTER comes before the Court on Defendant's Motion to Compel Discovery. [Doc. 47] Plaintiff has filed a brief in opposition to the motion, and Defendants have filed a reply brief. Having considered the submissions, the applicable law, and being otherwise fully advised, this Court finds that Defendants' motion is well taken and it is granted.

DISCUSSION

This case arises from a dispute over the sale of 650 dairy cows for approximately \$1.4 million. Plaintiff Blackwater alleges that it hired Defendants to sell Plaintiff's cows. Defendants respond by acknowledging that they did sell 650 cows, but they allege that the cows belonged to Defendants, not Plaintiff. In this motion Defendants seek to compel Plaintiff to respond to two interrogatories (12 and 13) and one request for production (19). The two interrogatories can be summarized as requesting that Plaintiff—who claims ownership of the 650 cows—state where he got the cows, when he got them, how much he paid for them, and how much he spent feeding, sheltering, transporting, etc. the 650 cows before they were sold. The disputed request for production seeks copies of all documents related to the acquisition and ownership of the 650 cows.

Plaintiff refused to answer the interrogatories on the basis that they were unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and called for the disclosure of proprietary business information and protected trade secrets¹. Plaintiff objected to the request for production on the same basis.

A party may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party. Fed. R. Civ. P. 26(b)(1) In this case, arising from a dispute over ownership of dairy cows, documentation of ownership appears highly relevant to the Court. Plaintiff's counsel essentially admits as much in his response, and correctly anticipates that the Court will order Plaintiff to answer the discovery requests. The issue of a confidentiality order is not before the Court. The requested discovery clearly meets the Rule 26 standard, and Defendant's Motion to Compel is well taken.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel [48] is GRANTED.



W. DANIEL SCHNEIDER
United States Magistrate Judge

¹Blackwater did agree to provide the dates on which it acquired the 650 cows, as long as that information was protected by a confidentiality order.